

Claimant was seen by Dr. Frederick Wolfe, Dr. Douglas Gardner, and Dr. Rob Hutchison. She advised Dr. Wolfe that her back started hurting her when she first started having rheumatoid arthritis symptoms in 1992. Dr. Hutchison, Dr. Gardner, and Dr. Wolfe all diagnosed the claimant as having rheumatoid arthritis and all agree that it was not caused by her work for respondent. The Appeals Board finds that the preponderance of the credible evidence establishes that the claimant is suffering from rheumatoid arthritis that does not arise out of and in the course of claimant's employment.

Claimant further argues that the work activities have aggravated the rheumatoid arthritis. However, the credible weight of the evidence suggests that any activity, not just work activity, aggravates the claimant's condition and there is, therefore, no relationship between the work activities and increased complaints of pain. In Boeckmann v. Goodyear Tire & Rubber Co., 210 Kan. 733, 504 P.2d 625 (1972) the Court held there must be causal relationship between the work activities and the aggravation for the aggravation to be compensable. Further, the evidence does not establish that the work activities have caused any worsening of her physical condition.

Based on the medical evidence admitted for purposes of preliminary hearing, the Appeals Board finds that the claimant has failed to show a causal relationship between her work activities and any aggravation of her rheumatoid arthritis condition.

WHEREFORE, it is the finding, decision and order of the Appeals Board that the preliminary Order entered by Administrative Law Judge Floyd V. Palmer, dated June 28, 1995, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of February 1996.

BOARD MEMBER PRO TEM

BOARD MEMBER

BOARD MEMBER

c: Diane F. Barger, Emporia, Kansas
John David Jurcyk, Lenexa, Kansas
Jeff K. Cooper, Board Member Pro Tem, Topeka, Kansas
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director